

Article V.

William W. Holden, governor as aforesaid, and would not produce the body of him, the said Adolphus G. Moore, before the said chief justice according to the exigency of said writ, unless compelled so to do by superior armed force, or by the express order and command of the said William W. Holden, governor as aforesaid; that such refusal of the said George W. Kirk to obey the said writ, was made duly to appear before the said chief justice, whereupon the said chief justice made enquiry of the said William W. Holden, governor as aforesaid, if he had so ordered the said George W. Kirk to so seize, detain and imprison the said Adolphus G. Moore; that the said William W. Holden, governor as aforesaid, made answer in substance, and to the effect, to said enquiry of said chief justice, that he had theretofore ordered and commanded the said George W. Kirk to so seize, detain and imprison and deprive of his liberty, the said Adolphus G. Moore, and that such seizure and detention was made by his order and command, whereupon the said chief justice, upon due consideration, solemnly adjudged in substance and effect that according to the constitution and laws of said state, the privilege of the writ of *habeas corpus* was not suspended, and that the said George W. Kirk and the said William W. Holden, governor as aforesaid, were in duty bound to bring and produce the body of the said Adolphus G. Moore, before him the said chief justice according to the exigency of the said writ; yet the said William W. Holden, governor as aforesaid, unmindful of his most solemn oath of office, and his high duties as the executive of said state, and contriving, and then and there intending to deprive the said Adolphus G. Moore of his liberty as a free citizen of said state, and to defy and subvert the constitution and laws of said state, declared that he had so ordered, and did still so order and command the said George W. Kirk not to obey the said writ so issued by the said chief justice, and then and there declared to the said chief justice, that he, the said William W. Holden, governor as aforesaid, would not obey the said writ, or the command of the said chief justice in that behalf, and that he would not